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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,970	07/10/2000	Young-ok Koh	1293.1133/MDS	9404

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EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/612,970

Applicant(s)

KOH, YOUNG-OK

Examiner

Michael V Battaglia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3,11-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 3 and 17-20 is/are rejected.
- 7) ☐ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This action, dated April 30, 2004, is in response to Applicant's amendment filed March 30, 2004. Claims 3, 11-15, and 17-21 are pending.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto et al (hereafter Fujimoto) (US 5,844,866).

Fujimoto discloses a method of reproducing data from a disc in a disc-reproducing system, the method comprising: (a) positioning a pick-up at a predetermined position on the disc (Col. 10, lines 60-62) and counting a number of track traverse pulses (Col. 10, line 67-Col. 11, line 2) which are generated when a tracking loop is switched to "OFF" (Col. 10, lines 65-67) at an arbitrary speed factor (Col. 10, lines 52-53); (b) varying a speed factor of reproducing data from the disc by comparing the number of track traverse pulses with a predetermined base value (Col. 11, lines 17-29); and (c) maintaining the pickup in a fixed position while counting the number of track traverse pulses (Col. 11, lines 8-10).

2. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Katou et al (hereafter Katou) (US 6,181,652).

In regard to claim 17, Katou discloses an apparatus for reproducing data from a disc inducing vibration, the apparatus comprising: a pick-up unit (Fig. 12, element 1) maintaining a fixed position while detecting a tracking traverse signal; a signal comparator (Fig. 13, element 97) comparing the tracking traverse signal with a base signal and then generating a tracking traverse pulse signal comprised of at least one tracking traverse pulse (Col. 15, lines 52-53); and a control unit (Figs. 12 and 13, element 11b) counting the number of track traverse pulses generated in the signal comparator at a first revolving speed of the disc and also at a second revolving speed of the disc (Col. 15, lines 61-62 and 66-67), determines a frequency of vibration of the disc based upon the track traverse pulse counts (Col. 15, line 61-Col. 16, line 13), and changes a speed of the disc based upon the frequency of vibration of the disc (Col. 16, lines 14-23). Due to the existence of a track traverse pulse, it is reasonable to expect that the tracking traverse signal is compared to some threshold or base value in order to determine when a track crossing has occurred. In other words, a signal comparator is inherent in the apparatus of Fukuda because without one, there would be no way to distinguish a track traverse event from any of the other track traverse information reproduced from a disc and no track traverse pulse could be produced.

In regard to claim 18, Katou discloses that the pick-up unit further comprises a tracking "OFF" state and a tracking "ON" state, and the pick-up unit detects a tracking traverse signal by revolving the disc in the tracking "OFF" state (Col. 15, lines 14-18 and 49-50).

In regard to claim 19, Katou discloses that the apparatus further comprises a signal amplifying unit to differentially amplify the tracking traverse signal detected in the pick-up unit prior to sending the signal to the signal comparator (Fig. 2, element 53).

In regard to claim 20, Katou discloses the control unit counts the number of track traverse pulses at a predetermined time (Col. 15, lines 63-65).

*Allowable Subject Matter*

3. Claims 11-15 are allowable over the prior art of record. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

5. Applicant's arguments with respect to claims 3, 11 and 15 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

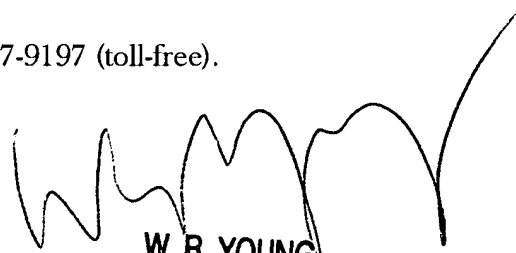
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Battaglia



W. R. YOUNG  
PRIMARY EXAMINER